

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

PERRY LEE OLSON, #413228

V.

SHARON MOATES, ET AL.

§
§
§
§
§

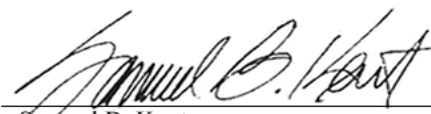
CIVIL ACTION NO. G-04-509

ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on May 12, 2006, which recommends that the instant cause be dismissed with prejudice as frivolous. In his objections to the Report and Recommendation, Plaintiff reiterates his argument that his Penthouse magazines were confiscated in violation of an unconstitutional state law and destroyed in violation of prison policy. Plaintiff's objections have already been correctly addressed in the Report and Recommendation. His claims, even if true, have no constitutional merit.

After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that this cause is **DISMISSED** with prejudice as frivolous and for failure to state a claim for which relief can be granted.

DONE at Galveston, Texas, this the 6th day of June, 2006.


Samuel B. Kent
United States District Judge